

UNITED STATES BANKRUPTCY COURT  
EASTERN DISTRICT OF NEW YORK

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In Re:

SHERONIA SAMUELS

Debtor

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**OBJECTION TO  
CONFIRMATION**

Chapter 13

Case No. 10-47677-CEC

Randa R. Simmons, an attorney duly licensed to practice law in the State of New York and admitted in the Eastern District of New York, affirms the following to be true, under penalty of perjury:

1. I am an associate of the firm of Steven J. Baum, P.C., attorneys for the Secured Creditor, Home Loan Services, Inc. as servicer for PNC Bank, National Association ("Home Loan Services, Inc.").
2. This Affirmation is submitted for the purpose of objecting to confirmation of the Chapter 13 Plan proposed by Sheronia Samuels (the "Debtor").
3. Home Loan Services, Inc. is a creditor secured by real property owned by the Debtor commonly known as 87-01 Clover Place, Hollis, NY 11423 ("the Mortgaged Premises").
4. A Proof of Claim is currently being prepared on behalf of Home Loan Services, Inc. and will be filed in due course. The total debt due to Home Loan Services, Inc. is approximately \$203,013.65. In addition, the Proof of Claim will assert pre-petition arrears in the amount of \$34,020.38.
5. The Debtor's proposed plan intends to completely strip the secured claim of Home Loan Services, Inc. and pay the claim as unsecured.

6. Schedule D of the Debtor's Voluntary Petition claims that the value of the property is \$1,000,000.00 and that the lien of Home Loan Services, Inc. is completely unsecured. Home Loan Services, Inc. is entitled to refute this allegation and requests access to the Mortgage Premises for the purpose of conducting a full appraisal.

7. Additionally, the Debtor's proposed Plan fails to provide for full payment of the pre-petition mortgage arrears and post-petition mortgage payments due to Home Loan Services, Inc. The Plan must propose to pay pre-petition arrears and post-petition mortgage payments in order for Home Loan Services, Inc. to retain its lien.

8. It is respectfully requested that Home Loan Services, Inc. be awarded attorneys fees in the amount of \$400.00 per the terms of the underlying Note and Mortgage for the making of this Objection.

9. By virtue of the foregoing, confirmation of the Debtor's proposed Chapter 13 Plan must be denied pursuant to 11 U.S.C. §1325.

Dated: Buffalo, New York  
October 6, 2010



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